

MASON COUNTY SUPERIOR COURT
Shelton, Washington

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LOCAL SUPERIOR COURT GENERAL RULE 31
(LGR 31)

Access to Court Records

(e) Personal Identifiers - Children

- (1) Complete names of children, sealed case types: The complete names of children shall be used in cases that are deemed confidential pursuant to state or federal statutes, including cases filed pursuant to Title 13 RCW (excluding offender cases); Chapter 4.24.130 (Domestic Violence Name Change); Chapter 26.33 (Adoption); and, Chapter 71.34 (Mental Health Services for Minors).
- (2) Confidential Information Form: The complete names of children and other identifiers shall be included in the Confidential Information Form or similar document for cases filed under Title 26.
- (3) Domestic Relations Orders: Court orders concerning the financial support or the custody or residential schedule of a child (including temporary and permanent parenting plans and similar documents) and orders establishing or disestablishing paternity shall include the full name of the child. The date of birth of a child shall be included in court records only as authorized by GR 22.
- (4) Child who is alleged to be a victim of a crime: The complete name of a child who is alleged to be a victim of a crime may be included on subpoenas and in jury instructions. Nothing in this rule requires that subpoenas be routinely filed in the court file.
- (5) Child who is charged with a crime. The complete name of a child charged with a crime shall be included in any indictment or information filed with the court pursuant to CrR 2.1 or JuCR 7.2, as part of an affidavit or declaration of probable cause or for any other purpose deemed necessary for the prosecution or defense of the criminal or juvenile offender matter.
- (6) Orders issued for the protection of a child. If a child is a person protected by a criminal no contact order issued pursuant to 10.99 RCW, an anti-harassment order issued pursuant to 10.14 RCW, an order of protection issued pursuant to 26.50 RCW or a restraining order or order of protection issued pursuant to 26.09 RCW, 26.10 RCW, 26.26 RCW, RCW 26.52.020, or any other court order entered for the protection of the child, the child's full name and other identifiers shall be included on petitions and orders as necessary for entry of the order into the Judicial Information System (JIS) and/or the Washington Crime Information Center (WACIC).
- (7) Orders on release of criminal defendant: If access to a child is restricted pursuant to CrR 3.2(d)(1), the court may include the full name of the child on the order, if deemed necessary for effective enforcement of the order.
- (8) Orders restraining child from contacting or harassing others: Whenever a child is named as a respondent in an order listed in subparagraph (3) above, the child's full name and other personal identifiers shall be included on the petition and order as necessary for entry of the order in the Judicial Information System (JIS) and/or the Washington Crime Information Center (WACIC).
- (9) Petitions and Notices filed pursuant to Chapter 11.28, RCW (children as heirs to estate): The full names and ages of children and other information required by RCW 11.28.110 and RCW 11.28.030 shall be included; however, the date of birth may be included only as authorized by GR 22.

General authority: Nothing in this rule shall prohibit a court from authorizing the use of a child's full name or date of birth when necessary for the orderly administration of justice, consistent with the requirements of GR 22.

Audio systems are used by Mason County Superior Court to record all proceedings. The Judges of Mason County Superior Court hereby adopt RAP 9.2(a), as amended, as a local court rule to require that only a court-approved transcriber is authorized to prepare transcripts from audio-recorded proceedings.

1. Primary Court-Approved Transcribers: Primary court-approved transcribers are employees of Mason County Superior Court. The following has been adopted concerning designation of primary court-approved transcribers:

(a) Primary court-approved transcribers are subject to qualifications set out in job descriptions adopted by Mason County.

(b) Transcripts prepared by employees of Mason County Superior Court during regular business hours will be billed either to the party or the appellate court (if the transcript is being prepared under an Order of Indigency) and the county retains the income.

(c) Primary court-approved transcribers must charge rates that are no more than the prevailing rates charged in the county. For a criminal indigent appeal, primary court-approved transcribers will receive the same rate as other transcribers and court reporters and that rate is set by the Supreme Court.

(d) Superior Court is responsible for assigning backup court-approved transcribers to assist with preparation of transcripts when required.

2. Backup Court-Approved Transcribers: Backup court-approved transcribers are required from time-to-time to assist the primary court-approved transcribers with preparation of transcripts. The following procedures have been adopted for selecting backup court-approved transcribers:

(a) Application forms will be available for all applicants interested in being designated as backup court-approved transcribers. The purpose of the application is to screen interested persons to ensure that only those with appropriate experience receive the court-approved designation. Applications will be evaluated to determine which applicants can be designated. At a minimum, all applicants must have experience in typing legal documents and in transcribing material.

(b) Applications should ask applicants what their fees are for ordinary and expedited transcription. The court is responsible for determining if these rates are within the standard range charged in the county for similar work. A backup court-approved transcriber must charge rates that are no more than the prevailing rates charged in the county. For a criminal indigent appeal, the backup court-approved transcriber will receive the same rate as other transcribers and court reporters and that rate is set by the Supreme Court.

(c) Transcripts prepared by backup court-approved transcribers will be billed either to the party or the appellate court (if the transcript is being prepared under an Order of Indigency) and that individual will retain the income.

(d) On a yearly basis, backup court-approved transcribers will be required to submit a completed transcript for verification by a primary court-approved transcriber.

3. Compliance with Rules of Appellate Procedure: All primary and backup court-approved transcribers must agree to comply with all Rules of Appellate Procedure which include, but are not limited to, the following: RAP 9.2, RAP 9.5(a), RAP 9.5(b), and RAP 15.4.

Revised 9-1-07

LOCAL SUPERIOR COURT CIVIL RULE 6
(LCR 6)

Confirmation Procedures and Cut-Off Dates for Filing
Civil Motions and Responsive Documents

1. CIVIL MOTION DOCKET AND CONFIRMATION PROCEDURES

1.1 Motion Docket. The civil motion docket shall be held on Mondays at 1:30 p.m. All civil motions and motions for revision

shall be heard on the civil docket.

1.2 Confirmation Procedures. All contested matters to be considered on the civil motion docket must be confirmed, as set out below, by calling the Clerk of the Court at (360) 427-9670, Ext. 346, or by e-mail at superiorcourt-confirm@co.mason.wa.us. Contested matters not confirmed will not be heard.

(a) Confirmations must be made with the Clerk of the Court before 10:00 a.m., one (1) court day before the Monday civil motion calendar, e.g. by 10:00 a.m. on Friday of the preceding week.

(b) If the deadline for confirmation falls on a court holiday, confirmations shall be made before 10:00 a.m. on the last court day before the holiday.

1.3 Continuance of Confirmed Matters. Matters confirmed in accordance with paragraph 1.2 (a) and (b) are not subject to continuance, except with permission of the Court, but shall be stricken and re-noted by the moving party.

2. CUT-OFF DATES FOR FILING CIVIL MOTIONS AND RESPONSIVE DOCUMENTS

2.1 Filing of Civil Motions, Briefs and Supporting Documents. Notwithstanding any provision of CR 6(d) to the contrary, motions, briefs and all supporting documents must be filed and served before 12:00 noon, five (5) court days before the Monday civil motion calendar, e.g. by 12:00 noon on Monday of the preceding week. Upon objection, motions that violate this requirement may be stricken or continued with terms. Motions requiring a longer period of notice pursuant to court rule or statute shall be filed and served as required by the applicable court rule or statute.

2.2 Responsive Documents. Notwithstanding any provision of CR 6(d) to the contrary, all responsive documents must be filed and served before 12:00 noon, two (2) court days before the Monday civil motion calendar, e.g. by 12:00 noon on Thursday of the preceding week. Upon objection, late filing of responsive documents may result in striking the document(s) or a continuance and terms.

2.3 Reply Documents. All reply documents must be filed and served before 12:00 noon, one (1) court day before the civil motion calendar, e.g. by 12:00 noon on Friday of the preceding week. Upon objection, late filing of reply documents may result in striking the document(s) or a continuance and terms.

[Amended effective September 1, 2006]

LCR 40 Status Conferences, Pretrial Hearings, Mediation, Settlement Conferences and Trials - Civil Cases Only

1. Status Conference.

1.1 When all parties have appeared, the court administrator's office shall set a status conference.

1.2 At the status conference, the court may direct the case to arbitration, mediation, or may set pretrial, trial and/or settlement conferences. The court shall set discovery schedules. The parties and the court shall attempt to frame issues, and may set motions schedules.

The court and the parties may determine whether the trial setting should be for a jury trial or a non-jury trial, and the length of time to be set for trial.

Appropriate cases may also be set on the trailing calendar.

1.3 A status conference order shall be issued immediately, upon forms provided by the court, or as otherwise appropriate, setting forth all issues considered and determined.

2. Pretrial Conferences.

2.1 Pretrial conferences shall either be set at the status conference, or upon motion of either party or the court.

2.2 All pretrial conferences shall be held in conformance with CR 16 and as supplemented herein.

2.3 A trial date shall be set at the pretrial conference if one has not already been set. A settlement conference may also be set or the parties may be directed to mediation.

The court shall consider compliance with discovery and motions deadlines, and make further rulings as necessary. Stipulations and agreements regarding facts, law, and the admissibility of evidence shall be made and entered whenever possible. The court and the parties shall attempt to frame issues of fact and law for trial. The court shall set a briefing schedule.

2.4 Each party shall prepare and serve on opposing counsel, but not file, a settlement proposal setting forth the terms upon which that party is willing to resolve the case. In the event a settlement conference is held, or at any other time, such settlement statement may be amended. Such settlement statement shall satisfy the requirements of RCW 4.84.280.

2.5 Pretrial conferences shall not be continued absent a showing of good cause and upon the concurrence of the court.

2.6 A pretrial order shall be issued immediately, upon forms provided by the court, or as otherwise appropriate, setting forth all issues considered and determined. In the event the court tries the case, all stipulated facts and issues of law shall be incorporated and Findings of Fact and Conclusions of Law subsequently entered.

3. Mediation.

The Court can require the parties to participate, in good faith, in mediation at any time during the pendency of the litigation.

4. Settlement Conferences.

4.1 Civil. Civil settlement conferences can be set by the court at either a status conference, or pretrial conference, or both, and the following rules shall apply:

4.1.1. Appearances. Counsel shall appear, as well as parties with sufficient settlement authority. Much of the benefit of a settlement conference is lost without the presence of the parties. Sanctions shall be imposed for non-compliance. Exceptions to personal appearance will be made only upon prior approval, for good cause, i.e.:

1. Where by distance (outside Western Washington) or by health it is impractical, but such party must be available by telephone; or
2. Where the real party in interest is an insurance company the insured need not appear, but an adjuster, with authority to act, must appear (subject to paragraph 1 above).

4.1.2. Discovery. Discovery shall be complete prior to a settlement conference. Exceptions will be made only upon prior approval, for good cause, and only where the uncompleted discovery will not prejudice the settlement process.

4.1.3. Civil Settlement Conference Statements. All parties shall prepare, file, and deliver to opposing parties, no later than five (5) working days prior to the settlement conference, a civil Settlement Conference Statement. The statement shall be in the following form, with discussion and argument where appropriate:

- (a) Introduction, summary of case.
- (b) Status of discovery.
- (c) Undisputed facts.
- (d) Disputed facts.
- (e) Legal Issues
 - (1) Liability
 - (2) Damages
 - (3) Other
- (f) Summary of settlement negotiations, including previous and current offers, if applicable.
- (g) Conclusion, including assessment of primary factual and legal issues and recommendations for settlement.

4.2 Family Law. In any contested family law action (except child support modifications), each party shall prepare, file, and deliver to the opposing party, and to the State of Washington, if the State is a party to such proceedings, no later than five (5) working days prior to the settlement conference, a settlement proposal setting forth the terms upon which that party is willing to resolve the case; and, unless values are agreed in advance, an exchange of discovery to include the documents set forth below. The State of Washington, if the State is a party to such proceedings, is exempt from this

requirement except as to paragraph (a) below. The discovery exchange and settlement proposal shall be in such a written form as approved by the Court, a copy of which is attached hereto as Appendix A.

- (a) In all cases involving child support issues, completed child support worksheets.
- (b) Copies of federal income tax returns, with schedules, for the preceding three (3) tax years.
- (c) Copies of payroll statements from employers for the last six months.
- (d) A copy of an appraisal, market analysis, or tax assessment for each parcel of real property, and a copy of the most recent statements of balances due on mortgages, real estate purchase contracts, deeds of trust, or other debt secured by the real property.
- (e) The most recent employer's ERISA statement, or equivalent, and a statement of contribution since that statement, of any pension plan of either party if pension division by a QDRO is proposed; otherwise, provide a statement of present value of the retirement benefits.
- (f) A written appraisal of any antiques, jewelry, or other items of special, unusual or extraordinary value or a summary of the evidence which will be relied upon.
- (g) A list of debts as of the date of separation.
- (h) A verified extract or copy of the most recent N.A.D.A. Official Used Car Guide or Appraisal Guide showing both average loan or wholesale and retail values for any automobiles.
- (i) A statement from each life insurance company issuing a policy of insurance on the life of either party as to its cash value and any loans on the cash value.
- (j) A written appraisal of any proprietorship, partnership, or closely held corporation of the parties, or a summary of the evidence which will be relied upon.
- (k) A summary of the source and tracing of any property asserted to be the separate property or obligation asserted to be the separate obligation of either party, and any community interests in separate property.

4.2.1 Confirmation of Readiness. The parties shall, by no later than 12:00 noon on the day before the conference, confirm that Settlement Conference Statements have been filed and that the parties are ready to proceed to settlement conference. Confirmation can be accomplished using one of the following methods: (1) telephoning (360) 427-8440; or (2) e-mail at _____. Failure to file Settlement Conference Statements and confirm readiness may result in the imposition of terms and/or sanctions as designated in paragraph 4.3 below.

4.2.2. Discovery. Discovery, including depositions and exchange of witness lists, shall be completed thirty (30) days prior to the assigned trial date. Exceptions will be made only upon prior approval and for good cause.

4.3 Sanctions. Parties, on their failure to file Settlement Conference Statements, confirm readiness, or appear at settlement conferences, shall be subject, at the Court's discretion, to immediate imposition of sanctions not to exceed \$250.00. Any party aggrieved by the imposition of sanctions hereunder may request, by motion or at a subsequent settlement conference, that the imposition of sanctions be reviewed.

5. Regular Trial Setting.

5.1 Cases shall be assigned a secondary and/or primary trial setting to be determined by the court.

5.2 Cases, which may affect the residential placement of children, shall be entitled to a primary setting and shall be given priority. Where substantial expert testimony is anticipated, the parties may request that the court dispense with the secondary trial setting.

6. Trailing Calendar.

6.1 Any non-jury case which counsel agree can be tried in one day or less may be placed on a trailing calendar by agreement of all parties.

6.2 The court administrator shall place trailing cases on a list. Cases shall be called in order of placement on such list as court time becomes available, upon a minimum of forty-eight hours notice, or less if agreed.

6.3 Any party may request that a case be removed from the trailing calendar and be assigned a regular trial date in the event the case has been called twice without the matter being heard, or in the event the matter has been on the trailing calendar for sixty days or more.

6.4 The court may limit argument if necessary to complete a case within the one-day limit.

7. Presiding Judge.

The trial judge shall, whenever possible, preside at the pretrial conferences. Settlement conferences are to be heard before a court commissioner or judge pro tem.

8. Preparation of Counsel.

8.1 Counsel for the parties shall appear at each of the conferences provided for herein. Counsel appearing for a party shall preferably be lead counsel for that party. Any counsel appearing for a party shall be prepared with an understanding of the case, and authority to enter into agreements as contemplated herein.

8.2 Failure to comply with briefing schedules, discovery schedules, preparation, or other requirements set out in these rules may result in sanctions being imposed on counsel.

[Revised 9-1-09]

APPENDIX A DISCOVERY EXCHANGE AND SETTLEMENT PROPOSAL (IN WORD 97 FORMAT)

The contents of this item are only available [on-line](#).

LCR 59
Motions for Revision of Court Commissioner Orders

1. Time for Motion. A motion for revision must be filed and served within ten (10) days after the commissioner's written order is entered. The motion for revision shall be noted at the time it is filed, to be heard within thirty (30) days after entry of the commissioner's written order.

2. Abandonment. Unless reset by the court, a motion for revision shall be considered abandoned if not heard within thirty (30) days after the entry of the commissioner's written order.

3. Findings of Fact and Conclusions of Law.

3.1 A minimum of five (5) days prior to the time of presentation, the party moving for revision shall present to the court commissioner and opposing counsel proposed findings of fact and conclusions of law to support the order or judgment.

3.2 Findings of fact and conclusions of law shall be entered before the hearing on the motion for revision.

3.3 The AOC approved form Order of Child Support and Child Support Worksheets may constitute findings of fact and conclusions of law for motions for revision on issues of child support.

4. Form of Motion. A motion for revision shall:

4.1 Specify each alleged error; and

4.2 Identify each document in the court file related to the issues raised by the motion for revision.

5. Hearing on Motion. At the time a motion for revision is filed, the moving party shall schedule a hearing on a civil calendar by filing a notice of issue. Unless otherwise directed by the Court, the hearing on the motion for revision shall be scheduled to occur within thirty (30) days after the motion for revision is filed.

6. The Record.

6.1 The motion for revision shall be heard upon the record that was before the court commissioner.

6.2 In all proceedings for which an audio recording of live testimony is made, the party moving for revision shall, within five (5) calendar days after filing the motion, make arrangements through Superior Court

Administration for a transcript of the proceedings to be provided to the court. Where a transcript is required, the party moving for revision shall be responsible for arranging for and payment for the transcript and ensuring that the transcript of proceedings is filed with the court not later than five (5) calendar days before the scheduled hearing.

7. Scope of Motion. The court may revise any order or judgment that is related to the issues raised by the motion for revision; for example, all issues related to child support or all issues related to the parenting plan. The court will not consider issues that are not related to the motion for revision without a separate motion, except:

7.1 The court may consider requests for attorney's fees by either party for the revision proceedings; and

7.2 The court may consider issues in the original order when the motion for revision is filed as to a motion denying a motion for reconsideration.

8. Effect of Motion. When a motion for revision is timely filed the following shall occur:

8.1 With the exception of findings of fact and conclusions of law, until the revision proceeding is completed the court commissioner loses jurisdiction to conduct further proceedings and/or enter orders on issues that are the subject of revision proceeding.

8.2 The Court Commissioner may continue to hear proceedings and/or enter orders on issues that do not involve the subject of the revision proceeding.

8.3 A court commissioner's order shall be effective upon entry of a written order, unless stayed by a judge's order, pending a motion for revision.

[Revised 9-1-09]

LOCAL SUPERIOR COURT CIVIL RULE 93.04
(LCR 93.04)

Family Law Motion Calendar
Cut-Off Dates for Filing Motions and Responsive Documents

Rescinded Effective September 1, 2006.

LOCAL SUPERIOR COURT CIVIL RULE 94.04
(LCR 94.04)

Dissolution of Marriage, Support, Modifications

Revoked effective September 1, 2000.

LMAR 1.1
Application of Rules - Matters Subject to Arbitration.

The purpose of mandatory arbitration of civil actions under RCW 7.06, as implemented by the Mandatory Arbitration Rules, is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims of \$50,000.00 or less, exclusive of attorney's fees, interest and costs. Claims in which the sole relief sought is the establishment, modification, or termination of maintenance or child support payments which are not capable of resolution on the motion docket or by agreement, regardless of the number or amount of payments, are subject to mandatory arbitration.

The Mandatory Arbitration Rules, as supplemented by these local rules, are not designed to address every question which may arise during the arbitration process, and the rules give considerable

discretion to the arbitrator. The arbitrator should not hesitate to be informal and expeditious, consistent with the purpose of the statute and rules.

Revised 9-1-07

LMAR 1.2

Relationship to Superior Court Jurisdiction and Other Rules - Motions

All motions before the court relating to mandatory arbitration shall be noted on the civil motion calendar except as may be otherwise provided in these rules.

Revised 9-1-07

LMAR 2.1

Transfer to Arbitration

(a) In every civil case, the court and parties shall, at the status conference provided for by LCR 40, address the question of mandatory arbitration. Cases shall be transferred to arbitration only by court order. If a party asserts that its claim exceeds \$50,000.00 or seeks relief other than a money judgment, the case is not subject to arbitration except by stipulation.

(b) An order for arbitration may be obtained by:

(1) Upon stipulation and order submitted by all the parties at or prior to the status conference;

(2) Upon demand for arbitration filed by a party, set for hearing on the court's motion docket when no objection has been filed prior to hearing; or

(3) By order of the court after a hearing on the merits.

Revised 9-1-07

LMAR 2.2

Assignment of Arbitrator

(a) Generally - Stipulations. When a case is set for arbitration, a list of three proposed arbitrators shall be furnished to the parties. A list of other approved arbitrators shall be furnished upon request. The parties are encouraged to stipulate to an arbitrator. In the absence of the stipulation, within fourteen (14) days after a case is transferred to arbitration, the arbitrator shall be chosen from among the five proposed arbitrators in the manner defined by this rule.

(1) Response by Parties. Within fourteen (14) days after a list of the proposed arbitrators is furnished to the parties, each party shall nominate one arbitrator and strike one arbitrator from the list. If both parties respond, an arbitrator nominated by both parties shall be appointed. If no arbitrator has been nominated by both parties, an arbitrator shall be appointed from among those not stricken by either party.

(2) Response by Only One Party. If only one party responds within fourteen (14) days, an arbitrator shall be appointed from that party's response.

(3) No Response. If neither party responds within fourteen (14) days, the arbitrator shall be randomly appointed from the three proposed arbitrators.

(4) Additional Arbitrators for Additional Parties. If there are more than two adverse parties all represented by different counsel, one additional proposed arbitrator shall be added to the list for each additional party so represented with the above principles of

selection to be applied. The number of adverse parties shall be determined by the arbitration department, subject to review by the Presiding Judge.

(b) Failure to File - Amendments. A party failing to serve and file an original response within the time prescribed may later do so only upon leave of court. A party may amend the statement of arbitrability or response at any time before assignment of an arbitrator or assignment of a trial date, thereafter only upon leave of court for good cause shown.

(c) By Stipulation. A case in which all parties file a stipulation to arbitrate under MAR 8.1(b) will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy.

Revised 9-1-07

LMAR 3.1
Qualifications

(a) Arbitration Panel. There shall be a panel of arbitrators in such numbers as the Superior Court Judge may determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the court. A list showing the names of the arbitrators available to hear cases and information sheets will be available for public inspection in the Court Administrator's office. The oath of office on the form prescribed by the court must be completed and filed prior to an applicant being placed on the panel.

(b) Refusal - Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Superior Court Judge immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case on any of the grounds of interest, relationship, bias, or prejudice set forth in CJC Canon 3(c) governing disqualification of judges. If disqualified, the arbitrator must immediately return all materials in a case to the Superior Court Judge.

Revised 9-1-07

LMAR 3.2
Authority of Arbitrators

An arbitrator has the authority to:

(a) Determine the time, place and procedure to present a motion before the arbitrator.

(b) Require a party or attorney advising such party, or both, to pay the reasonable expenses, including attorney's fees, caused by the failure of such party or attorney, or both, to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified, or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the Clerk of the Court, with proof of service on each party. The aggrieved party shall have ten (10) days thereafter to appeal the award of such expense in accordance with the procedures described in RCW 2.24.050. If within ten (10) days after the award is filed no party appeals, a judgment shall be entered in a manner described under MAR 6.3.

(c) Award attorney's fees as authorized by these rules, by contract or by law.

Revised 9-1-07

LMAR 4.1
Discovery

In determining when additional discovery beyond that directly authorized by MAR 4.2 is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the civil rules except that motions concerning discovery shall be determined by the arbitrator.

Revised 9-1-07

LMAR 4.2

Discovery Pending at the Time Arbitrator is Assigned.

Discovery pending at the time the case is assigned to an arbitrator is stayed pending order from the arbitrator or except as the parties may stipulate or as authorized by MAR 4.2.

Revised 9-1-07

LMAR 5.1
Notice of Hearing

In addition to the requirements of MAR 5.1, the arbitrator shall give reasonable notice of the hearing date and any continuance to the Court Administrator.

Revised 9-1-07

LMAR 5.2
Prehearing Statement of Proof Documents Filed with Court

In addition to the requirements of MAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file which the party deems relevant. The court file shall remain with the Clerk of the Court.

Revised 9-1-07

LMAR 5.3
Conduct of Hearing - Witnesses - Rules of Evidence

(a) Generally. (See MAR 5.3)

(b) Recording. The hearing may be recorded electronically or otherwise by any party or the arbitrator.

(c) Rules of Evidence - Generally. The Rules of Evidence, to the extent determined by the arbitrator to be applicable, should be liberally construed in accordance with the scope and purpose of these rules. The parties should stipulate to the admission of evidence when there is no genuine issue as to its relevance or authenticity.

(d) Certain Documents Presumed Admissible. The documents listed below, if relevant, are presumed admissible at an arbitration, but only if (a) the party offering the document serves on all parties a notice, accompanied by a copy of the document and the name, address, and telephone number of its author or maker, at least fourteen (14) days prior to the hearing in accordance with MAR 5.2; and (b) the party offering the document similarly furnishes all other parties with copies of all other related documents from the same author or maker. This rule does not restrict argument or proof relating to the weight

of the evidence admitted, nor does it restrict the arbitrator's authority to determine the weight of the evidence and the arguments of opposing parties. The documents presumed admissible under this rule are:

- (1) A bill, report, chart, or record of a hospital, doctor, dentist, registered nurse, licensed practical nurse, physical therapist, psychologist or other health care provider on a letterhead or billhead;
- (2) A bill for drugs, medical appliances or other related expenses on a letterhead or billhead;
- (3) A bill for, or an estimate of, property damage on a letterhead or billhead. In the case of an estimate, the party intending to offer the estimate shall forward with the notice to the adverse party a statement indicating whether or not the property was repaired, if it was, whether the estimated repairs were made in full or in part, attaching a copy of the receipted bill showing the items of repair and the amount paid;
- (4) A police, weather, wage loss, or traffic signal report, or standard United States government life expectancy table to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;
- (5) A photograph, x-ray, drawing, map, blueprint, or similar documentary evidence, to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;
- (6) The written statement of any other witness, including the written report of an expert witness, and including a statement of opinion which the witness would be allowed to express if testifying in person, if it is made by affidavit or by declaration under penalty or perjury;
- (7) A document not specifically covered by any of the foregoing provisions, but having equivalent circumstantial guarantees of trustworthiness, the admission of which would serve the policies and purposes expressed in LMAR 1.1 and the interests of justice;
- (8) Opposing party may subpoena author or maker as witness. Any other party may subpoena the author or maker of a document admissible under this rule, at that party's expense, and examine the author or maker as if under cross-examination.

Revised 9-1-07

LMAR 6.1
Form and Content of Award

The award shall be prepared on the form prescribed by the court.
(Exhibit A)

Revised 9-1-07

LMAR 6.2
Return of Exhibits

When an award is filed, the arbitrator shall return all exhibits to the parties who offered them during the hearing.

Revised 9-1-07

LMAR 6.3
Filing of an Award

A request by an arbitrator for an extension of time for the filing of an award under MAR 6.2 must be presented to the Superior Court Judge.

Revised 9-1-07

LMAR 6.4
Judgment of Award

A judgment on an award shall be presented to the Superior Court Judge, by any party, on notice in accordance with MAR 6.3.

Revised 9-1-07

LMAR 7.1
Request for Trial De Novo and Filing - Calendar

(a) Must be accompanied by Note for Trial. The request for trial de novo shall be accompanied by a Note for Trial on the forms provided by the Court Administrator. (Exhibit B)

(b) Trial to be Set in Accordance with LCR 40. When a trial de novo is requested as provided in MAR 7.1(9) and LMAR 7.1(a), trial shall be set in accordance with LCR 40.

(c) Procedures at Trial. The Clerk shall seal any award if a trial de novo is requested.

(d) Costs and Attorney Fees. MAR 7.3 shall apply only to costs and reasonable attorney fees incurred since the filing of the request for trial de novo.

Revised 9-1-07

LMAR 8.1
Stipulations - Effect on Relief Granted

If a case not otherwise subject to mandatory arbitration is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a judge.

Revised 9-1-07

LMAR 8.2
Title and Citation

These rules are known and cited as the Mason County Superior Court Mandatory Arbitration Rules. LMAR is the official abbreviation.

Revised 9-1-07

LMAR 8.3
Compensation of Arbitrator:

(1) Generally. Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the Superior Court; provided, however, the compensation shall not exceed \$500.00 for any case without approval of the presiding judge.

(2) Form. When the award is filed, the arbitrator shall submit to the Court Administrator a request for payment on a form prescribed by the Court. The presiding judge shall determine the

amount of compensation to be paid.

Revised 9-1-07

LMAR 8.4
Administration

The Superior Court Judge shall supervise arbitration under these rules.

Revised 9-1-07

LMAR 8.5
Effective Date

These rules shall be effective upon adoption by the Superior Court Judge and shall apply to those cases which otherwise meet the scope and purpose of these rules and do not have a trial date prior to April 1, 1991.

Revised 9-1-07

LOCAL GUARDIAN AD LITEM RULE
(LGAL 5)

SPECIFIC GUARDIAN AD LITEM REGISTRY REQUIREMENTS

1. Title 11 - Guardianship Registry.

1.1 All registry applicants must meet the qualifications set forth by statute and all requirements for training and certification established by statute and/or court rule to be considered for placement and retention on the Title 11 registry.

1.2. In addition to any qualifications required by statute, the following are specific education and experience requirements for inclusion on the Title 11 registry:

(a) Attorneys. Members of the Washington State Bar Association in good standing with a minimum of one year of practice of law with some experience in the needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities and/or other areas relevant to the needs of incapacitated persons.

(b) Non-Attorneys. Four years experience in the needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities and/or other areas relevant to the needs of incapacitated persons documented in the applicant's Statement of Qualifications.

2. Title 26 - Family Law Registry.

2.1 All registry applicants must meet the qualifications set forth by statute and all requirements for training and certification established by statute and/or court rule to be considered for placement and retention on the Title 26 registry.

2.2. In addition to any qualifications required by statute, the following are specific education and experience requirements for inclusion on the Title 26 registry:

(a) Attorneys. Members of the Washington State Bar Association in good standing with a minimum of one year of practice of law, including family law cases, and at least eight hours of family law CLE in the preceding twenty-four months.

(c) Non-Attorneys.

(1) A minimum of a B.A. degree with four years

field experience working with children and families;

(2) A Masters degree with two years of field experience working with children and families; or

(3) Licensed psychologist or psychiatrist with preference given to those who specialize, or have developed expertise, in working with children and families.

3. Retention on Registry.

3.1 Each person requesting to remain on any Guardian ad Litem registry shall annually submit an updated background information report to the Court Administrator's Office. The background information report shall include, but not be limited to, the following:

(a) Level of formal education;

(b) Training related to the guardian's duties;

(c) Number of years' experience as a guardian ad litem;

(d) Number of appointments as a guardian ad litem and county or counties of appointment;

(e) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and

(f) Criminal history, as defined in RCW 9.94A.030.

Adopted 7-1-04

LGAL 7

Guardian ad Litem Grievance and Complaint Procedure

1.1 GENERAL TERMS.

1.1.1 Complaint Review Board. A Mason County Complaint Review Board (the Board) is created. The Board shall consist of three (3) members: a representative of the Mason County Superior Court, selected by the Court Administrator and approved by the judges; an active Guardian ad Litem; and a member of the Mason County Bar Association, selected and approved by the Association. The Guardian ad Litem member shall be a member of the Mason County Guardian ad Litem Registry who has not received any sanctions pursuant to a guardian ad litem complaint procedure in the past three years. The Guardian ad Litem member shall be selected by the Court Administrator and approved by the judges. Service on the Board is a voluntary service for the good of the community and is made without receipt of any additional compensation from this service on the Board.

1.1.2 Application of Rules. These rules shall apply to guardians ad litem appointed on any case heard by this court under Titles 11 and 26 of the Revised Code of Washington (RCW).

1.1.3 Filing of Complaint. Any person may file a complaint against a guardian ad litem. The complaint must be in writing and filed with the Court Administrator. The complaint must state the specific guardian ad litem act, or failure to act, of concern to the complaining party and shall include the following information:

(a) The name, mailing address, telephone number, and e-mail address of the person filing the complaint;

(b) The case number and case name of any underlying case and whether the case is active or inactive;

(c) Whether the complaining party has discussed the complaint with the guardian ad litem;

(d) What action, if any, the guardian ad litem has taken to address the complaint;

(e) Which section(s) of the Mason County Superior Court Guardian ad Litem Code of Conduct (copy available from Court Administrator) was violated and the specific facts underlying each alleged violation;

(f) Which provision(s) of the Order of Appointment was

violated and the specific facts underlying each alleged violation; and

(g) What the complaining party would like done to fix the problems complained of and why.

1.1.4 Limitation on Filing Complaints. Complaints under this rule must be filed within one year from the date of the act or failure to act of concern to the complaining party.

1.1.5 Removal. If the guardian ad litem is removed from the Court Registry, the Court shall enter findings of fact and an order of removal. Upon removing a guardian ad litem from the registry, the Court shall forward a copy of the order to the Office of the Administrator of the Courts for circulation to other counties.

1.1.6 Confidentiality. The complaint, and the Board's initial decision, shall be kept confidential from everyone but the complainant and the guardian ad litem in inactive cases, and from everyone but the complainant in active cases, unless the Board finds cause to proceed with the complaint. Any requests to disclose information from the complaint or guardian ad litem files are subject to redaction of case identifying information, including the names of parties and case numbers, any information that could endanger a victim of domestic violence, and any information prohibited by law from disclosure.

(a) No cause to proceed. If the Board finds no cause to proceed with the complaint, no record of the complaint shall be kept in the guardian ad litem's individual file, although a copy shall be kept in a separate unfounded complaint file safeguarded for confidentiality. After three (3) years, complaints in this file shall be destroyed, with a notation remaining in the file including the names of the complainant and the guardian ad litem, the date the complaint was filed, and the Board's finding of no cause to proceed with the complaint. However, if a complainant discloses to a third party that a complaint has been filed, the guardian ad litem in an active case shall receive a copy of the complaint and the Board's decision. In all cases where the complainant discloses to a third party that a complaint has been filed, the guardian ad litem may file a written response to the complaint, which shall be placed in the confidential file.

(b) Cause to Proceed. If the Board finds cause to proceed, the complaint and all relating documents shall be kept in a separate file, which shall include copies of the Board's decisions and any judicial decisions related to the matter.

1.1.7 Extension of Timelines. Timelines stated herein may be extended by the Board or by a Judicial Officer for good cause.

2. GRIEVANCE PROCEDURE.

2.1.1 Motion in Court. At any time during an active case, and within one year of the last activity in a case, a party may bring a motion in court to address issues of concern related to a guardian ad litem. The guardian ad litem and all other parties to the case shall receive notice of hearing for the motion and a copy of the motion. If such a motion is brought while a complaint is pending before the Board, or after the Board has issued a decision on the complaint, the party shall disclose to the court the Board's involvement in the matter. A decision by the Board is not binding on a Judicial Officer hearing such a motion. Such a motion shall be heard by a Judicial Officer who has not heard matters in any underlying case at issue in the complaint and who shall not hear matters in such a case in the future.

2.1.2 Initial Review by Board. Within fifteen (15) working days after a complaint is filed, the Board shall review the complaint and make an initial determination whether there is cause to proceed.

(a) The initial decision shall be in writing and shall state whether the Board finds cause to proceed with the complaint and the reasons why or why not;

(b) The Board shall mail the initial decision to the complainant immediately; and

(c) In its discretion, the Board may request additional information from the complainant. The complainant shall provide the requested information within ten (10) additional working days. The failure of a complainant to provide the additional information may be a factor in the Board's initial decision to proceed or not.

2.1.3 Review of Determination of No Cause to Proceed. If the Board finds no cause to proceed, the complainant may seek

review of that decision by a motion before a Judicial Officer consistent with this rule.

2.1.4 Procedure Following Determination of Cause to Proceed. If the Board finds there is cause to proceed, the Board shall notify the guardian ad litem in writing at the same time the complainant is notified of the Board's initial decision. The notice to the guardian ad litem shall include a copy of the complaint and a copy of the Board's initial decision.

(a) The guardian ad litem shall respond in writing within fifteen (15) working days of the mailing of the decision; and

(b) The guardian ad litem shall mail a copy of the response to the complainant.

2.1.5 Board's Authority Following Determination of Cause to Proceed. After reviewing the guardian ad litem's response, the Board's authority is as follows:

(a) To find that the guardian ad litem did not violate applicable laws, rules, or policies;

(b) To issue a written reprimand to the guardian ad litem;

(c) To issue an advisory letter to the guardian ad litem summarizing concerns for the guardian ad litem to address;

(d) To refer the guardian ad litem for additional training;

(e) To require the guardian ad litem to take corrective action to remedy or mitigate matters complained of;

(f) To require a guardian ad litem to bring or support a motion to seal or remove information in the court file;

(g) To recommend removal of the guardian ad litem to the Judicial Officer hearing the underlying case; and

(h) To recommend to the court that the guardian ad litem be suspended or removed from the Court Registry.

2.1.6 Decision. Following consideration of all materials submitted, the Board shall issue its final decision within fifteen (15) working days following receipt of the guardian ad litem's response.

(a) The Board shall mail the final decision to the complainant, the guardian ad litem, the Court Administrator, and all parties in any underlying case; and

(b) The final decision shall be placed in the guardian ad litem's individual file and the guardian ad litem complaint file.

2.1.7 Judicial Review of Board's Decision. If the Board's final decision includes removal of the guardian ad litem from the Court Registry, the guardian ad litem may request a hearing on the decision.

(a) Procedure on Filing Review. Judicial review must be requested within twenty (20) days of the mailing date of the final decision. The request shall be delivered to the Court Administrator and served on all parties to the case at issue and to the complainant. Service may be by regular mail and certified mail, return receipt requested. The matter shall be heard by a Judicial Officer who has not heard matters in any underlying case at issue in the complaint and who shall not hear matters in such a case in the future;

(b) Response. No response is required and no oral argument will be heard unless requested specifically by the Judicial Officer. If written response or oral argument is directed, a schedule shall be set for filing written materials and the date for argument set taking into account the availability of the complainant and the guardian ad litem;

(c) Scope of Review. The Judicial Officer shall review the written record and any oral argument to determine whether the guardian ad litem violated applicable laws, rules, and policies, and if so, the appropriate remedy. The Judicial Officer shall issue findings of fact and a decision on the complaint based on an independent review of the record; and

(d) Consideration of Prior Complaints. If the Judicial Officer determines that a violation occurred, consideration may be given to any founded prior complaints against the guardian ad litem in determining the appropriate remedy.

LOCAL SUPERIOR COURT CRIMINAL RULE 4.2 (LCrR 4.2)

SUPERIOR COURT COMMISSIONERS - AUTHORITY - CRIMINAL CASES

The Judges of Mason County Superior Court hereby adopt the provisions of RCW 2.24.040, as amended, and specifically authorize Mason County Superior Court Commissioners, appointed under Article 4, Section 23 of the constitution of the State of Washington, to accept and enter pleas of guilty by adult criminal defendants in accordance with CrR 4.2.

[Adopted 9/1/00]

LJuCR 7.1
DISMISSAL FOR DELAY IN FILING INFORMATION

The Court may dismiss an information for delay in filing the information, or referral for diversion, under certain circumstances, as follows:

A. Prima facie evidence of delay. Delay of more than sixty days from the receipt from the police by the prosecutor's office of a file, or the receipt of follow-up information requested by the prosecutor's office, whichever is later, shall be prima facie evidence of an unreasonable delay. Periods of diversion pursuant to RCW 13.40.070 and .080 shall be excluded when calculating the time of filing the information.

B. Prejudice. Upon a prima facie showing of unreasonable delay, the Court shall inquire into specific prejudice resulting from such delay. For the purposes of this section, "specific prejudice" means prejudice to the respondent in the presentation of his or her defense, or loss of Juvenile Court jurisdiction.

C. Balancing-Factors. Upon a prima facie showing of unreasonable delay, and specific prejudice, the Court shall consider the following factors in deciding whether or not to dismiss the charges contained in the information:

1. Prejudice. The impact on the respondent's ability to defend; and
2. Reason for Delay. The reason for the delay. The Court shall balance these two factors, keeping in mind the separation of the powers of the Court from the powers of the office of the Prosecuting Attorney.

Unreasonable delay shall constitute an affirmative defense which must be raised by motion not less than one (1) week before trial. Such motion may be considered by affidavit.

4. Other Grounds for Dismissal. Other grounds for dismissal for delay in filing an information, under due process, CrR 8.3, or other grounds, for reasons of general concerns with the administration of justice, specific concerns with the effect of delay on an individual respondent considering the purposes of the Juvenile Justice Act, or for any other reasons, are not limited by this Rule.

5. Application. This rule shall be applied prospectively.

Adopted effective September 1, 1995/OAC Filed Date: June 13, 1995

LRLJ 6.3A(c)
CONTENT OF TRANSCRIPT OF ELECTRONIC RECORD

(c) Content of Transcript. The transcript shall contain only those portions of the electronic recording necessary to present the issues raised on appeal. In a transcript provided at public expense, approval by the Court shall be obtained prior to requesting transcription of jury voir dire, opening and/or closing statements, and reading of the jury instructions. If the appellant intends to urge that a verdict or finding of fact is not supported by the evidence, the appellant shall include in the transcript all testimony relevant to the disputed verdict or finding. If the appellant intends to urge that the court erred in giving or failing to give an instruction, the appellant shall include all objections to the instructions given and refused and the court's ruling.

Local Special Proceedings Rule 94.04
(LSPR 94.04)

FAMILY LAW ACTIONS

1. FAMILY LAW, PROBATE, ADOPTION AND DOMESTIC VIOLENCE MOTION
CALENDAR AND CONFIRMATION PROCEDURES

1.1 The Family Law, Probate and Adoption Motion Calendar shall be held on Wednesdays at 9:00 a.m.

1.2 The Domestic Violence and Pro Se (Non-Attorney) Family Law Motion Calendar shall be held on Wednesdays at 1:30 p.m.

1.3 Confirmation Procedures. With the exception of domestic violence and/or anti-harassment, all contested matters to be considered must be confirmed, as set out below, by calling the Clerk of the Court at (360) 427-9670, Ext. 346, or by e-mail at superiorcourt-confirm@co.mason.wa.us. Matters not confirmed will not be heard.

(a) Confirmations must be made with the Clerk of the Court before 10:00 a.m. two (2) days prior to the motion calendar day, e.g. by 10:00 a.m. on Monday.

(b) If the deadline for confirmation falls on a court holiday, confirmation shall be made before 10:00 a.m. on the last court day before the holiday.

1.4 Continuance of Confirmed Matters. Matters confirmed in accordance with paragraph 1.3 (a) and (b) are not subject to continuance, except with permission of the Court, but shall be stricken and re-noted by the moving party.

2. CUT-OFF DATES FOR FILING MOTIONS AND RESPONSIVE DOCUMENTS

2.1 Filing of Motions, Briefs and Supporting Documents. Notwithstanding any provision of CR 6(d) to the contrary, motions, briefs and all supporting documents must be filed and served before 12:00 noon, five (5) court days before the Wednesday motion calendar, e.g. by 12:00 noon on Wednesday of the preceding week. Upon objection, motions that violate this requirement may be stricken or continued with terms. Motions requiring a longer period of notice pursuant to court rule or statute shall be filed and served as required by the applicable court rule or statute.

2.2 Responsive Documents. Notwithstanding any provision of CR 6(d) to the contrary, all responsive documents must be filed and served before 12:00 noon, two (2) court days before the Wednesday motion calendar, e.g. by 12:00 noon on Monday. Upon objection, late filing of responsive documents may result in striking the document(s) or a continuance and terms.

2.3 Reply Documents. All reply documents must be filed and served before 12:00 noon, one (1) court day before the Wednesday motion calendar, e.g. by 12:00 noon on Tuesday. Upon objection, late filing of reply documents may result in striking the document(s) or a continuance and terms.

3. LIMITATIONS ON DECLARATIONS

3.1 Generally. Absent prior authorization from the Court as set forth in paragraph 3.10 below, the entirety of all declarations and affidavits in support of motions, including any reply, shall be limited to a sum total of twenty-five (25) pages. The entirety of all declarations and affidavits submitted in response to motions shall be limited to twenty-five (25) pages.

3.2 Application. This rule shall apply to all family law motions, motions in paternity actions, actions to establish residential schedules, domestic violence and anti-harassment hearings. No portion of this rule shall be construed to permit application of the page limits described herein to each motion noted for a particular day, e.g., motions for a temporary parenting plan, child support, guardian ad litem and temporary restraining order shall, if noted for the same day, be considered as one motion.

3.3 Format. All motions and pleadings in support thereof shall use mandatory forms where applicable, follow the format required by GR 14 and meet the requirements of GR 31. If typed or computer printed, documents shall be in 12 point or larger

type and double-spaced. If handwritten, documents shall be single-sided, double-spaced and written legibly using black or dark blue ink.

3.4 Exhibits. Exhibits that consist of declarations or affidavits shall count toward the above page limits. All other exhibits attached to a declaration or affidavit shall not be counted towards the page limit.

3.5 Financial Declarations. Financial declarations and financial documents do not count toward the page limit.

3.6 Expert Reports and Evaluations. Declarations, affidavits or reports from guardians ad litem and expert witnesses do not count toward the page limit.

3.7 Children's Statements. Declarations by minors in family law matters are disfavored and the Court may, in its discretion, refuse to consider such declarations. In the event that a party desires to file a child's declaration, that party shall first seek authorization by noting the matter on the family law calendar. That request shall take the form of an offer of proof by the party as to what they believe the child would say. No actual statement shall be filed unless the Court grants leave to file the document. In those cases where a Guardian ad Litem has been previously appointed, the party proposing the statement will be required to demonstrate why an interview of the child by the Guardian ad Litem would not be more appropriate than a statement directly from the child. Parties may appear in person or by telephone; provided, however, that authorization to appear by telephone must be made in advance by calling the Court Administrator's Office at (360) 427-9670, Ext. 206. Notice of this hearing shall be given in the same manner as provided in CR 5.

3.8 Inappropriate Submissions. Unless prior permission of the Court is obtained, the parties shall not submit inappropriate or pornographic materials. If permission to submit or file such material is granted, it shall be filed in the confidential section of the file.

3.9 Miscellaneous Exceptions. Copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience to the Court in lieu of the court file do not count toward the page limit. Deposition excerpts do not count toward the page limit.

3.10 Authorization. A party seeking authorization to exceed the page limit may do so by noting the matter on the family law calendar. Parties may appear in person or by telephone; provided, however, that authorization to appear by telephone must be made in advance by calling the Court Administrator's Office at (360) 427-9670, Ext. 206. Notice of this hearing shall be given in the same manner as provided in CR 5.

3.11 Consequences of Non-Compliance. If the Court finds that one or more parties have violated this rule, the Court may, in its discretion, assess terms, require the matter be stricken or continued, or may refuse to consider those materials that violate this rule.

EXHIBIT A. ARBITRATION AWARD

The contents of this item are only available [on-line](#).

EXHIBIT B. REQUEST FOR TRIAL DE NOVO AND FOR CLERK TO SEAL THE AWARD

The contents of this item are only available [on-line](#).
